

In the Court of Appeals of the State of Alaska

Shyheim Stefan Chavis,
Appellant,

v.

State of Alaska,
Appellee.

Court of Appeals No. **A-13158**

Order

Date of Order: **February 23, 2022**

Trial Court Case No. **3PA-16-02231CR**

Before Allard, Chief Judge, and Harbison, Judge.

Shyheim Stefan Chavis appealed his convictions for first-degree robbery and attempted first-degree murder. One of Chavis’s two claims on appeal was that the superior court should have suppressed inculpatory statements he made to law enforcement during two in-custody interviews. Chavis argued that his statements should have been suppressed as involuntary based on threats made against him in the second interview.

For reasons explained in *Chavis v. State*, Memorandum Opinion No. 6981 (Alaska App. November 17, 2021), we concluded that the superior court erred when it found that the law enforcement officers who conducted Chavis’s interviews had not threatened Chavis. Because of this error, the superior court applied the wrong legal presumption when it evaluated whether Chavis’s statements to law enforcement were voluntary. We accordingly remanded this case to the superior court with instructions to reconsider its ruling in light of our conclusion that the statements were presumptively involuntary. We reserved ruling on Chavis’s second claim until the proceedings on remand were complete, and we retained jurisdiction of the appeal.

On remand, the superior court suppressed the inculpatory statements Chavis made in the second interview. (See “Order Suppressing Defendant’s Confessions” dated February 7, 2022.) Given that ruling, unless the State files a petition for review of the

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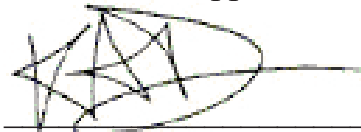
superior court's order, this Court intends to reverse Chavis's conviction and remand this case to the superior court for further proceedings. Although any petition for review should have been filed by February 17, 2022 (10 days after the superior court's order was distributed), we acknowledge that our decision to retain jurisdiction may have caused confusion about the deadline for the filing of a petition for review.

Accordingly, **IT IS ORDERED:**

Unless the State files a petition for review of the superior court's suppression order on or before **March 10, 2022**, Chavis's convictions will be reversed and the case remanded to the superior court for further proceedings, and this appeal will be closed.

Entered at the direction of the Court.

Clerk of the Appellate Courts

A handwritten signature in black ink, appearing to read 'Kaitlin D'Eimon', written over a horizontal line.

Kaitlin D'Eimon, Deputy Clerk

cc: Court of Appeals Judges

Distribution:

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